

b.) Remarks

Claims 2, 4 and 9-11 have been amended for better idiomatic usage only. Claim 8 is amended in order to recite the present invention with the specificity required by statute and claim 12 is rewritten so as to now depend from claim 8. (For the Examiner's convenience, the substance of claim 12 is now presented in claims 12 and 76. Previous claim 12 depended from claim 2 or 51; amended claim 12 now explicitly recites the subject matter of claim 2 and new claim 76 now explicitly presents the subject matter of claim 51.) Accordingly, no new matter has been added.

Initially, Applicants gratefully acknowledge the Examiner's allowance of claims 2, 4-6, 16-18, 24, 51 and 53, and confirmation that claims 9-11 recite patentable and non-obvious subject matter. The Examiner's assistance and cooperation in expediting the prosecution of this application is deeply appreciated.

Regarding a formal matter, the Examiner questioned whether or not Figures 8-16 should be removed from priority document No. JP 10-213823. The Examiner's understanding in this regard is correct; they should. The Examiner also questioned why new Figures 1-7 were included with Applicants' September 21, 2006 Submission. In response, Applicants wish to clarify that such drawings were prepared solely in order to change the sheet number notations "1/16" to --1/7--, etc., since as noted, only seven sheets should be present. No other changes were introduced.

Claims 7, 8, 12-15 and 52 remain rejected under 35 U.S.C. §112, first paragraph, because the Examiner states those of ordinary skill are not enabled to practice transgenic non human animals, plants or plant cells. In response to Applicants' previous

argument, the Examiner notes the cited references relate only to mice (see page 6, lines 15-17) and Coleman (*Am. J. Clin. Nutr.*, Vol. 63, 639S), said to teach that results are variable (page 6, lines 17-24).

Applicants respectfully traverse this rejection as not being well-supported in fact. Nevertheless, solely in order to reduce the issues, Applicants have above cancelled claim 7 and amended claim 8 to delete reference to plant cells, animals and plants. Accordingly, this rejection too is now overcome.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 2, 4-6, 8-12, 16-18, 24, 51, 53 and 76 remain presented for continued prosecution, claims 2, 4-6, 9-11, 16-18, 24, 51 and 53 having previously been allowed or indicated as being allowable. Allowance of claims 8, 12 and 76 is now respectfully requested as well.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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